

# Exhibit 1

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

**No. 22-1209**

**September Term, 2022**

**STB-FD36522**

**Filed On:** December 15, 2022

Norfolk Southern Railway Company,

Petitioner

v.

Surface Transportation Board and United  
States of America,

Respondents

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CSX Transportation, Inc.,  
Intervenor

**BEFORE:** Millett, Pillard, and Pan, Circuit Judges

**ORDER**

Upon consideration of the motions to dismiss for lack of jurisdiction, the response thereto, and the replies, it is

**ORDERED** that the motions be referred to the merits panel to which this petition for review is assigned. The parties are directed to address in their briefs the issues presented in the motions to dismiss rather than incorporate those arguments by reference. It is

**FURTHER ORDERED**, on the court's own motion, that this case be expedited. See D.C. Circuit Handbook of Practice and Internal Procedures 34 (2021). The following briefing schedule will apply in this case:

Brief of Petitioner

January 13, 2023

Brief of Respondents

February 6, 2023

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Brief of Intervenor	February 13, 2023
Reply Brief of Petitioner	March 1, 2023
Deferred Appendix	March 8, 2023
Final Briefs	March 15, 2023

The Clerk is directed to calendar this case for oral argument on the first appropriate date following the completion of briefing. The parties will be informed later of the date of oral argument and the composition of the merits panel.

Appellants should raise all issues and arguments in the opening brief. The court ordinarily will not consider issues and arguments raised for the first time in the reply brief.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See D.C. Circuit Handbook of Practice and Internal Procedures 43 (2021); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: Laura Chipley  
Deputy Clerk